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9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11  
12 MINNY FRANK,

No. C 13-0089 MMC

13 Plaintiff,

14 v.

**ORDER SETTING BRIEFING SCHEDULE  
ON PLAINTIFF'S MOTION TO AMEND;  
CONTINUING HEARING ON  
DEFENDANTS' MOTIONS TO DISMISS**

15 COUNTY OF HUMBOLDT, et al.,

16 Defendants

17 \_\_\_\_\_/

18 Before the Court are three motions to dismiss filed, respectively, on February 1,  
19 2013, March 22, 2013, and April 2, 2013, by defendants (1) David Williams and Jennifer  
20 Williams, (2) BHC Sierra Vista Hospital ("SVH") and Paul Hyppolite ("Hyppolite"), and  
21 (3) the County defendants,<sup>1</sup> each such motion set for hearing on May 17, 2013. In her  
22 opposition to SVH and Hyppolite's motion, plaintiff, who is proceeding pro se, requests  
23 leave to amend her complaint. (See, Opp'n, Doc. No. 44, filed Apr. 4, 2013, at 2:12-16.)  
24 Additionally, on April 28, 2013, plaintiff filed a motion to amend her complaint, noticed for  
25 hearing on May 17, 2013, and accompanied by a proposed amended complaint in which

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27 <sup>1</sup> The "County defendants" are the County of Humboldt, the Department of Health  
28 and Human Services, James Bragg, Christy Reihm, Katherine Young, Keri Schrock, Jery  
Scardini, Asha George, Chris Starets-foote, Donna Wheeler, Angela Monson and Shelley  
Nilsen.

1 she has endeavored to address various deficiencies noted by defendants in their respective  
2 motions.<sup>2</sup> Pursuant to the Civil Local Rules of this district, plaintiff's motion cannot be heard  
3 on a date earlier than June 7, 2013. See Civil L.R. 7-2(a) (providing motion "must be . . .  
4 noticed . . . on the motion calendar of the assigned Judge for hearing not less than 35 days  
5 after service").

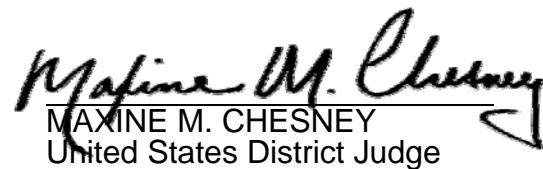
6 In light of the above, the Court hereby SETS the following dates for plaintiff's motion  
7 to amend:

- 8 1. Defendants' opposition(s), if any, shall be filed no later than May 17, 2013.
- 9 2. Plaintiff's reply, if any, shall be filed no later than May 24, 2013.
- 10 3. The hearing is hereby scheduled for June 14, 2013, at 9:00 a.m.<sup>3</sup>

11 In the interests of judicial economy, the hearings on the pending motions to dismiss  
12 are hereby CONTINUED to June 14, 2013.

13 **IT IS SO ORDERED.**

14  
15 Dated: May 3, 2013

  
MAXINE M. CHESNEY  
United States District Judge

24  
25 <sup>2</sup> Had plaintiff filed her motion earlier, she would have been entitled to amend her  
complaint once as of right. See Fed. R. Civ. P. 15(a)(1)(B) (providing "[a] party may amend  
its pleading once as a matter of course within . . . 21 days after service of a motion under  
Rule 12(b)").

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27 <sup>3</sup> Due to sequestration, all district courts in the San Francisco division will be closed  
on June 7, 2013.